

Expert Dialogue:
Enhancing Sustainability in International Trade:
Assessing the EU's Renewable Energy Policy

Thursday 26 September 2019
Newtonlaan 201, 3584 BH Utrecht, Room 5A 34/38
School of Law, Utrecht University

THEME

This Utrecht University Expert Dialogue seeks to engage in the discussion on the EU's attempts to enhance the goal of sustainability through its international trade measures in the field of energy policies. Particular attention will be paid to the revised Renewable Energy Directive (RED II) for 2021-2030. By discussing the external implications and tensions arising from RED II, the Dialogue explores normative and pragmatic dilemmas underlying the EU's commitment to sustainability in its external action, and understands some of the key actors and processes through which those tensions are created and also mitigated. Questions of compatibility with international trade law and complex regime interactions will also be addressed.

BACKGROUND

The EU is mandated to pursue external action in order to “preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development” (Article 21 TEU). In May 2017, the European Commission published a paper on harnessing globalization that underlines the EU's commitment to a value-based, progressive trade agenda that enhances global governance on issues such as human rights, labour conditions and environmental protection. In the document, the Commission stresses the importance of the Paris Agreement on climate change and calls for new regulations and standards to ensure that all countries contribute to CO₂ emissions reductions.

The Commission's priority has led the EU to take great strides to meet its ambitious target of a 40% reduction in greenhouse gases by 2030. The 2030 Climate and Energy Framework is intended to facilitate this goal, envisaging a minimum of a 40% reduction in greenhouse gas emissions compared to 1990 levels, a 32% share for renewable energy and a 32.5% improvement in energy efficiency. In 2018, the 2030 Framework was revised to increase the climate and energy targets even further. This was the result of a compromise between EU institutions, an important product being a proposed recast of the Renewable Energy Directive (RED II).

While much can be said about sustainability criteria from an internal perspective, these policy developments also have an important *external* dimension, including the EU's trade relations. As the EU is such a large market, the standards it sets for its own energy consumption necessarily have ripple effects across the globe. It then comes as no surprise

that large exporters of biofuels such as Indonesia, Malaysia and Argentina, have expressed a keen interest in the precise determination of the RED II standards, which were largely finalised in early 2019. In terms of bilateral trade relations, the EU aims at addressing the environmental concerns by means of introducing sustainable development chapters in the recently negotiated new generation free trade agreements. As these chapters in general demonstrate the EU's commitment to non-trade values such as protection of environment and sustainable renewable energy in particular, they also lack meaningful enforcement mechanisms. Few of the new FTAs include specific chapters aiming at promoting, developing and increasing the generation of energy from renewable and sustainable non-fossil sources, particularly through removing or reducing tariffs as well as non-tariff barriers and fostering regulatory convergence with or towards regional and international standards.

PARTICIPATION & REGISTRATION

To participate, please register via Secretariaat.IER@uu.nl.

PROGRAM

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| 13.15-14.00 | Lunch for participants |
| 14.00-14.30 | Dr Urszula Jaremba & Dr Natalie Dobson (Utrecht University): Introduction to the expert dialogue |
| 14.30-15.15 | Dr Anna Marhold (Leiden University): REDD II in light of WTO rules. Presentation followed by discussion. |
| 15.15-15.45 | Break |
| 15.45-16.30 | Nikolas Giannopoulos LL.M. (Utrecht University): The influence of RED II on foreign direct investment |
| 16.30-17.15 | Dr Barbara Cooreman (Hanover, Brussels): Policy-making perspectives on RED II extraterritorial effects and sustainability concerns |
| 17.15-17.30 | Dr Natalie Dobson (Utrecht University): Closing remarks |
| 17.30-18.30 | Drinks |

The Expert Dialogue is co-organized by the Utrecht Centre for Regulation and Enforcement in Europe's (RENFORCE) research project on the "The EU's value-based international trade", and the Utrecht Center for Water Oceans and Sustainability Law (UCWOSL).

